

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND, NORTHERN DIVISION**

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,	:	
	:	
	:	
Plaintiff,	:	
	:	
and	:	
	:	CASE NO.: WDQ 02-CV-648
KATHY KOCH,	:	
	:	
Intervenor/Plaintiff,	:	JURY DEMANDED
	:	
v.	:	
	:	
LA WEIGHT LOSS CENTERS, INC.,	:	
	:	
Defendant.	:	
_____	:	

CONFIDENTIALITY STIPULATION AND ORDER

IT IS HEREBY STIPULATED AND AGREED by the attorneys for plaintiff Equal Employment Opportunity Commission (“EEOC”) and LA Weight Loss Centers, Inc. (“LAWL”), as follows:

1. This Confidentiality Stipulation and Order (the “Stipulation”) governs the handling of documents and data produced in any format by LAWL to EEOC for purposes of settlement during Court-supervised mediation in this action.
2. All documents produced to date or hereafter for purposes of mediation that are labeled or otherwise described as “For Settlement Purposes Only” shall be subject to the following restrictions during mediation:
 - (a) The documents and information shall be used only for purposes of settlement of EEOC’s claims against LAWL and not for purposes of litigation in this or any other action;

(b) The documents shall not be given, shown, made available, discussed or otherwise communicated in any way to anyone other than the attorneys of record for EEOC, EEOC personnel assisting EEOC attorneys of record, the attorneys of record for LAWL and their agents;

3. Production of documents protected by the attorney-client privilege and/or work product doctrine and/or any other applicable privilege or protection shall not be deemed a waiver of those privileges, protection(s) or subject matter.

4. If mediation does not result in a full and complete settlement of this action, EEOC shall return the documents to counsel for LAWL within fifteen (15) days of the conclusion of mediation, at which time all relevant, non-privileged documents subject to the Stipulation will be reviewed, marked by bates number and re-produced to EEOC within thirty (30) days of their return to LAWL. Such non-privileged documents and information may be used by EEOC for purposes of this litigation.

(a) LAWL shall not re-produce to EEOC data or documents specifically created for purposes of mediation, except where LAWL intends to use such documents for purposes of this litigation. LAWL shall provide EEOC with reasonable notice of its intention to use such documents and shall re-produce them with bates numbers.

(b) LAWL shall place documents protected from discovery on a privilege log in accordance with applicable Federal and Local Rules of Civil Procedure.

(c) EEOC shall destroy any copies, print outs, summaries, quotations and/or analyses involving and/or derived from privileged documents.

5. The Stipulation has no effect upon, and its scope shall not extend to, LAWL's use of the documents.

6. The Stipulation does not supersede or amend the October 3, 2004, Confidentiality Stipulation and Order previously entered by the Court.

7. The Stipulation shall remain in force and effect and shall not be modified, superseded or terminated except by express written consent of the parties or by Order of the Court after notice to the parties.

8. EEOC has consented to Defendants e-filing the Stipulation on behalf of the parties.

Respectfully submitted,

/s/

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**Attorneys for Defendant
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/s/

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**Attorneys for Plaintiff
Equal Employment Opportunity
Commission**

APPROVED AND SO ORDERED this ____ day of March, 2005:

Paul W. Grimm
United States Magistrate Judge